

REMARKS/ARGUMENTS

Claims 1, 3-5, 11, 17-21, 30, and 53-59 are pending. Independent claim 53 has been amended to recite "grouping" messages, rather than sorting messages. Support the amendment may be found on page 4, line 2; page 9, lines 3-10; page 10, lines 12-22; page 11, and lines 4-11. It is submitted that no new matter has been added to the claims.

§103 Rejections:

The Examiner rejected claims 1, 3-5, 11, 17-21, and 30 under 35 USC § 103 (a) as being unpatentable over Reelee et al. (U.S. 5,893,037) in view of Ilcisin et al. (U.S. 5,880,770) further in view of Itakura et al. (U.S. 6,351,745) and Hawkes (US 6,161,122).

The Examiner admits that Reelee does not disclose an automatic signal transmission apparatus for automatically causing the transceiver to transmit a message request signal to the message apparatus conveying an identification of the camera apparatus when the transceiver is turned on. The Examiner then states that "it is well known in the art to operate a videophone system in such a manner, as disclosed in Ilcisin et al. in order to make sure that all messages are received by the person initiating the call."

However, the difference is that Ilcisin describes an active role that sends identification in the initiation of a call, which is part of a "hand shake" or establishment of a call session. In contrast, in the present invention, the camera (transmitter) takes a passive role. As described in the description of FIG. 6A, the camera identifies itself to the message center as being "on line" when turned on, even though the camera is not actively trying to send data out.

In addition, Applicant maintains the previously submitted argument that one skilled in the art, e.g., a traditional camera manufacture, would not have any incentive or motivation to look to Itakura for solutions to the problem of how to promote an ongoing business relationship with customers after sale of the camera. Itakura describes a pay system where the goal is to get paid

based on the motivation of profiting from the subscription, which is not necessarily the same as in the present invention. Although the tools used in Itakura and the present invention to distribute advertisements may be similar, the method of sending the advertisements to a user's camera is much different and nonobvious over sending the advertisement to a user's computer over the Internet as in Itakura. The examiner has not established why one of an ordinary skill in the art would be motivated to combine the two techniques. The problem that at time the present invention was filed, the combination of phones and cameras was not as prevalent as it is today. In addition, video phones, as in Ilcisin, are an extension of the phone (a visual phone), while the camera messaging system of the present invention is a camera with communication capability. Thus, the present invention adds communication ability to cameras for the purpose of distributing advertisement to users, which is a new use of that ability.

Consequently, it is submitted that claims 1, 3-5, 11, 17-21, and 30 are allowable over the references.

Claims 53-59 were rejected under 35 USC § 103 (a) as being unpatentable over Itakura in view of Hawkes further in view of Marinus et al. (US 5,606,365).

Applicant previously argued that Itakura teaches retrieving messages based on user information but is silent as to grouping images messages by category. In the Response to Arguments section of the Office Action, the Examiner noted that the feature of "grouping messages by category" is not recited in claim 53. In response, Applicant has amended claim 53 to recite grouping, rather than sorting, messages by category.

The addition of Hawkes and Maurinus fail to overcome the lack of teaching by Itakura. That is, Hawkes and Maurinus also fail to teach grouping messages by category, and secondary references stand or fall with the primary reference. Accordingly, claim 53 overcomes a

combination of Itakura, Hawkes and Marinus.

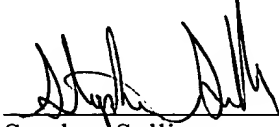
Therefore, for the above identified reasons, the present invention as recited in independent claims 1, 17, and 53 is neither taught nor suggested by the references. Applicant further submits that the dependent claims are also allowable because they depend on the above allowable base claims.

In view of the foregoing, Applicant submits that claims 1, 3-5, 11, 17-21, 30, and 53-59 are patentable over the cited reference. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

Applicants' attorney believes this application in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

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Date

Respectfully submitted,
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